

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MARIO MENDEZ,

Plaintiff,

v.

No. 24-cv-0517 KG/DLM

NEW MEXICO CORRECTIONS DEPARTMENT, *et al.*,

Defendants.

ORDER OF DISMISSAL

THIS MATTER is before the Court following Plaintiff's failure to prosecute his Prisoner's Civil Rights Complaint, (Doc. 3). Plaintiff is incarcerated and proceeding *pro se*. By an Order entered January 31, 2025, the Court granted leave to proceed *in forma pauperis* and directed Plaintiff to make an initial partial payment of \$40.90. *See* (Doc. 14). Such payment is required by statute. *See* 28 U.S.C. § 1915(b)(1). The amount represents 20% of the greater of Plaintiff's average monthly deposits or average monthly balance for the six-month period preceding this action. (Doc. 14) at 2. The Order warned that the failure to timely comply will result in the dismissal of this case without further notice. *Id.* at 2-3.

The payment deadline was March 3, 2025. Plaintiff did not comply or otherwise respond to the Order. Accordingly, the Court will dismiss the Complaint, (Doc. 3), pursuant to Fed. R. Civ. P. 41(b). *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003) ("Rule 41(b) ... has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the ... court's orders.").

IT IS ORDERED:

1. Plaintiff's Prisoner Civil Rights Complaint (Doc. 3) is dismissed without prejudice to refiling; and
2. The Court will enter a separate judgment closing the case.

/s/ KENNETH J. GONZALES<sup>1</sup>  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Please note that this document has been electronically filed. To verify its authenticity, please refer to the Digital File Stamp on the NEF (Notice of Electronic Filing) accompanying this document. Electronically filed documents can be found on the court's PACER public access system.